



**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2009 ASSEMBLY BILL 119**

1 **AN ACT** *to amend* 118.16 (2) (cg) 1., 118.16 (2) (cg) 4., 118.165 (1) (e) and 938.345
2 (2); and *to create* 118.15 (1) (am) and 118.33 (6) (c) of the statutes; **relating to:**
3 requirements for pupils enrolled in five-year-old kindergarten.

Analysis by the Legislative Reference Bureau

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 118.15 (1) (am) of the statutes is created to read:
5 118.15 **(1)** (am) Except as provided under par. (d), unless the child is excused
6 under sub. (3), any person having under his or her control a child who is enrolled in
7 5-year-old kindergarten shall cause the child to attend school regularly, religious
8 holidays excepted, during the full period and hours that kindergarten is in session
9 at the public or private school in which the child is enrolled until the end of the school
10 term.

1 **SECTION 2.** 118.16 (2) (cg) 1. of the statutes is amended to read:

2 118.16 **(2)** (cg) 1. A statement of the parent's or guardian's responsibility, under
3 s. 118.15 (1) (a) and (am), to cause the child to attend school regularly.

4 **SECTION 3.** 118.16 (2) (cg) 4. of the statutes is amended to read:

5 118.16 **(2)** (cg) 4. A statement of the penalties, under s. 118.15 (5), that may be
6 imposed on the parent or guardian if he or she fails to cause the child to attend school
7 regularly as required under s. 118.15 (1) (a) and (am).

8 **SECTION 4.** 118.165 (1) (e) of the statutes is amended to read:

9 118.165 **(1)** (e) The program is not operated or instituted for the purpose of
10 avoiding or circumventing the compulsory school attendance requirement under s.
11 118.15 (1) (a) and (am).

12 **SECTION 5.** 118.33 (6) (c) of the statutes is created to read:

13 118.33 **(6)** (c) 1. Except as provided in subds. 2. and 3., beginning on September
14 1, 2011, a school board may not enroll a child in the first grade in a school in the school
15 district, including in a charter school located in the school district, unless the child
16 has completed 5-year-old kindergarten. Each school board that operates a
17 5-year-old kindergarten program shall adopt a written policy specifying the criteria
18 for promoting a pupil from 5-year-old kindergarten to the first grade.

19 2. Each school board that operates a 5-year-old kindergarten program shall
20 establish procedures, conditions, and standards for exempting a child from the
21 requirement that the child complete kindergarten as a prerequisite to enrollment in
22 the first grade and for reviewing the denial of an exemption upon the request of the
23 pupil's parent or guardian.

24 3. A school board that operates a 5-year-old kindergarten program shall enroll
25 in the first grade a child who has not completed kindergarten but who is otherwise

1 eligible to be admitted to and to enroll in first grade as a new or continuing pupil at
2 the time the child moves into this state if one of the following applies:

3 a. Before either commencing or completing first grade, the child moved into this
4 state from a state, country, or territory in which completion of 5-year-old
5 kindergarten is a prerequisite to entering first grade and the child was exempted
6 from the requirement to complete 5-year-old kindergarten in the state, country, or
7 territory from which the child moved.

8 b. Before either commencing or completing first grade the child moved into this
9 state from a state, country, or territory in which completion of 5-year-old
10 kindergarten is not a prerequisite to entering first grade.

11 4. Except as provided in subds. 5. and 6., beginning on September 1, 2011, the
12 operator of a charter school under s. 118.40 (2r) may not enroll a child in the first
13 grade in the school unless the child has completed 5-year-old kindergarten. Each
14 operator of a charter school under s. 118.40 (2r) that operates a 5-year-old
15 kindergarten program shall adopt a written policy specifying the criteria for
16 promoting a pupil from 5-year-old kindergarten to the first grade.

17 5. Each operator of a charter school under s. 118.40 (2r) that operates a
18 5-year-old kindergarten program shall establish procedures, conditions, and
19 standards for exempting a child from the requirement that the child complete
20 kindergarten as a prerequisite to enrollment in the first grade and for reviewing the
21 denial of an exemption upon the request of the pupil's parent or guardian.

22 6. The operator of a charter school under s. 118.40 (2r) that operates a
23 5-year-old kindergarten program shall enroll in the first grade a child who has not
24 completed kindergarten but who is otherwise eligible to be admitted to and to enroll

1 in first grade as a new or continuing pupil at the time the child moves into this state
2 if one of the following applies:

3 a. Before either commencing or completing first grade, the child moved into this
4 state from a state, country, or territory in which completion of 5-year-old
5 kindergarten is a prerequisite to entering first grade and the child was exempted
6 from the requirement to complete 5-year-old kindergarten in the state, country, or
7 territory from which the child moved.

8 b. Before either commencing or completing first grade the child moved into this
9 state from a state, country, or territory in which completion of 5-year-old
10 kindergarten is not a prerequisite to entering first grade.

11 **SECTION 6.** 938.345 (2) of the statutes is amended to read:

12 938.345 (2) SCHOOL DROPOUTS AND HABITUAL TRUANTS. If the court finds that a
13 juvenile is in need of protection or services based on the fact that the juvenile is a
14 school dropout, as defined in s. 118.153 (1) (b), or based on habitual truancy, and the
15 court also finds that the juvenile has dropped out of school or is a habitual truant as
16 a result of the juvenile's intentional refusal to attend school rather than the failure
17 of any other person to comply with s. 118.15 (1) (a) and (am), the court, instead of or
18 in addition to any other disposition imposed under sub. (1), may enter an order
19 permitted under s. 938.342.

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(END)